

07-12-05

PATENT

2024738-2247387003

CYM-025 (11.009011)

AF/1743
JPW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Roy A. Ostgaard, et al.

Serial No.: 09/156,952

Filed: September 18, 1998

For: SAMPLE VIAL FOR USE IN
PREPARING CYTOLOGICAL
SPECIMEN

) Confirmation: 1770
)
) Group Art Unit: 1743
)
) Examiner: Dwayne K. Handy
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TRANSMITTAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a Notice of Appeal (3. pages) for the above-identified application.

The Commissioner is hereby authorized to charge any fees with may be required to Deposit Account No. 50-2518, Docket No. CYM-025 (2024738-2247387003).

Respectfully submitted,

Dated: July 11, 2005

By: Michael J. Bolan
Michael J. Bolan
Reg. No. 42,339

Customer Number	BINGHAM McCUTCHEN LLP
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OFFICE	

CERTIFICATE OF MAILING (37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Assistant Commissioner for Patents, Alexandria, VA 22313-1450.

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NOTICE OF APPEAL TO THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Sir:

Applicant hereby **appeals** to the Board of Patents Appeals and Interferences from the decision dated June 29, 2005.

The items checked below are appropriate.

CERTIFICATE OF MAILING
(37 C.F.R. §1.10)

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OC/212536.1

07/13/2005 SSITHB1 00000119 502518 09156952
01 FC:1251 120.00 DA
07/13/2005 SSITHB1 00000119 502518 09156952
02 FC:1401 500.00 DA

1. Request and Petition for EXTENSION OF TIME:

- ☒ The proceedings herein are for a patent application and the provisions of 37 CFR § 1.136 apply.
- ☒ Applicant(s) petitions for an extension of time under 37 CFR § 1.136 [fees: 37 CFR § 1.17(a)(1)-(5)] for the total number of months checked below:

EXTENSION (months)	FEE FOR SMALL ENTITY	FEE FOR OTHER THAN SMALL ENTITY
<input checked="" type="checkbox"/> one month	\$60.00	\$120.00
<input type="checkbox"/> two months	\$225.00	\$450.00
<input type="checkbox"/> three months	\$510.00	\$1,020.00
<input type="checkbox"/> four months	\$795.00	\$1,590.00
<input type="checkbox"/> five months	\$1,080.00	\$2,160.00
	Fee	\$120.00

According to the MPEP 706.07 (f), if an Applicant replies within 2 months from the mailing date of a final rejection, and an Advisory Action is mailed before the end of 3 months from the date of mailing of the final rejection, the shortened statutory period will expired at the end of the 3 months from the date of mailing of the final rejection. *“If the Examiner, however, does not mail an Advisory Action until **after the end of the 3-month period, the shortened statutory period will expire on the date the Examiner mails the Advisory Action and any extension of time fee would be calculated from the mailing date of the Advisory Action**”*

As such, the extension of time is properly calculated from the mailing date of the Advisory Action (June 29, 2005), and just **one month extension fee is required**.

- ☒ If any extension fee is required, please consider this a petition therefore.

2. Appeal FEES

☐ Applicant claims small entity status pursuant to 37 CFR § 1.27.

<input checked="" type="checkbox"/> APPEAL FEE: 37 CFR §1.17 (b)	\$500.00
Reduction by ½ for Filing by Small Entity. Note 37 CFR § 1.9, 1.27, 1.28.	<input type="checkbox"/>
TOTAL FEES SUBMITTED HEREWITH	\$500.00

3. Method of Payment of fees:

- ☒ Please charge Bingham McCutchen's Deposit Account No. **50-2518** in the amount of \$620.00. *A duplicate copy this sheet is enclosed.*
- ☒ The Commissioner is authorized to charge Bingham McCutchen's Deposit Account No. **50-2518** for any fees required that are not covered, in whole or in part, and to credit any overpayments to said Deposit Account No. **50-2518**.

Respectfully submitted,

BINGHAM McCUTCHEN LLP

Dated: July 11, 2005

By: 

Michael J. Bolan
Reg. No. 42,339

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PATENT TRADEMARK OFFICE

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